

House File 2221 - Introduced

HOUSE FILE 2221

BY DAWSON, HALL, and JORGENSEN

A BILL FOR

1 An Act providing for the establishment of county chemical
2 substance abuse monitoring programs for certain criminal
3 offenders.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 901D.1 Definitions.

2 For the purposes of this chapter, "*chemical substance*"
3 means "*alcoholic beverage*" as defined in section 321J.1 and
4 "*controlled substance*" as defined in section 124.101.

5 Sec. 2. NEW SECTION. 901D.2 County chemical substance abuse
6 monitoring programs.

7 1. Upon approval by the board of supervisors of a county,
8 the county may, in coordination with the county sheriff and
9 the district court of the county, establish a countywide
10 chemical substance abuse monitoring program that is available
11 twenty-four hours per day, seven days per week, in an effort to
12 reduce the number of crimes that have a substantial nexus with
13 chemical substance abuse.

14 2. The chemical substance abuse monitoring program shall do
15 all of the following:

16 a. Require a person who has been charged with, pled guilty
17 to, or been convicted of a crime that has a substantial nexus
18 with chemical substance abuse, as determined by the court, to
19 abstain from all chemical substances for a period of time.
20 However, this section shall not apply to a person who has been
21 charged with, pled guilty to, or been convicted of a first
22 offense of operating while intoxicated in violation of section
23 321J.2 or 321J.2A where the person's alcohol concentration was
24 lower than .15 and no accident resulting in personal injury or
25 property damage occurred.

26 b. Require the person to be subject to testing to determine
27 whether a chemical substance is present in the person's body
28 in the following manner:

29 (1) At least twice per day at a central location where an
30 immediate sanction can be applied.

31 (2) Where testing under subparagraph (1) is impractical, by
32 continuous transdermal or electronic monitoring.

33 c. Apply appropriate sanctions when test results
34 definitively, and without presumption, indicate the presence
35 of a chemical substance.

1 d. Require a person participating in the program to
2 pay program costs, including but not limited to costs of
3 installation, monitoring, and deactivation of any testing
4 devices.

3. Notwithstanding any other provision of law to the contrary, a court in a county that has established a program pursuant to this section may order a defendant, as a condition of pretrial release, probation, or bond, to participate in the program.

10	EXPLANATION
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11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill provides that, upon approval by the board of
14 supervisors of a county, the county may, in coordination with
15 the county sheriff and the district court of the county,
16 establish a countywide chemical substance abuse monitoring
17 program that is available 24 hours per day, 7 days per week,
18 in an effort to reduce the number of crimes that have a
19 substantial nexus with chemical substance abuse.

20 Under the bill, a chemical substance abuse monitoring
21 program shall require a person who has been charged with, pled
22 guilty to, or been convicted of a crime that has a substantial
23 nexus with chemical substance abuse, as determined by the
24 court, to abstain from all chemical substances for a period of
25 time. However, this does not apply to a person who has been
26 charged with, pled guilty to, or been convicted of a first
27 offense of operating while intoxicated where the person's
28 alcohol concentration was lower than .15 and no accident
29 resulting in personal injury or property damage occurred.

30 The bill provides that a program shall require the person
31 to be subject to testing to determine whether a chemical
32 substance is present in the person's body at least twice per
33 day at a central location where an immediate sanction can
34 be applied, or where testing is impractical, by continuous
35 transdermal or electronic monitoring. The program shall

1 apply appropriate sanctions when test results definitively,
2 and without presumption, indicate the presence of a chemical
3 substance. The bill requires a person participating in the
4 program to pay program costs, including but not limited to
5 costs of installation, monitoring, and deactivation of any
6 testing devices.

7 The bill allows a court in a county that has established
8 a program to order a defendant, as a condition of pretrial
9 release, probation, or bond, to participate in the program.